

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

Christopher Dingess,	:	2:22-cv-00275
	:	
Plaintiff,	:	Civil Action No. _____
	:	
vs.	:	Judge _____
	:	
The Sygma Network, Inc.,	:	
	:	
Defendant.	:	

DEFENDANT THE SYGMA NETWORK, INC.’S
NOTICE OF REMOVAL

Now comes The Sygma Network, Inc.’s (“Sygma”), by and through counsel, and for its Notice of Removal of this action from the Circuit Court of Mingo County, West Virginia to the United States District Court for the Southern District of West Virginia at Charleston states:

1. Plaintiff Christopher Dingess filed suit in the Circuit Court of Mingo County, West Virginia in Civil Action No. 22-C-38 on or about May 12, 2022.

2. Sygma was served with Plaintiff’s Complaint not more than 30 days ago.

3. This Court has original jurisdiction over this type of action pursuant to 28 U.S.C. § 1332(a)(1), and Sygma may therefore remove this action to this Court pursuant to 28 U.S.C. § 1441(a), for:

- (a) Complete diversity of citizenship exists between Plaintiff, a citizen of Kentucky; and Sygma, which is incorporated and maintains its principal place of business in a state other than Kentucky; and
- (b) More than \$75,000 is in dispute, exclusive of costs and interest, for Plaintiff seeks compensatory damages for “critical and life threatening injuries” as well as punitive damages.

4. As required by 28 U.S.C. § 1446(b), Sygma is filing this Notice of Removal within thirty days of being served with Plaintiff's Complaint.

5. This action has been pending less than a year.

6. As required by 28 U.S.C. § 1446(a), Sygma is attaching in an Appendix hereto a copy of each process, pleading and order it has received via service as of June 30, 2022. Sygma has requested a copy of the docket and pleadings from the state court and will supplement this filing upon receipt.

7. No party other than Sygma is named in the Complaint, so no other party needs to consent to the removal of this action.

Respectfully submitted,

/s/ William M. Harter

William M. Harter (W.Va. Bar No. 7977)

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Trial Attorney for Defendant

The Sygma Network, Inc.

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	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Notice of Removal was filed through the Court's ECF system this 30th day of June, 2022. To the extent counsel are not registered to receive service of the foregoing through the Court's ECF system, a true and accurate copy of the same will be sent this same day to:

Mark E. Troy
Morgan & Morgan
222 Capitol St., Ste 200A
Charleston, WV 25301
Counsel for Plaintiff

/s/ William M. Harter
William M. Harter (W.Va. Bar No. 7977)

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